# BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TELEPHONE: (714) 557-3800

INTELLECTUAL PROPERTY LAW 12400 WILSHIRE BOULEVARD, 7TH FLOOR LOS ANGELES, CA 90025

FACSIMILE: (714) 557-3347

RECEIVED CENTRAL FAX CENTER

FACSIMILE COVER SHEET

DEC 2 0 2006

	Deliver to:	Joseph G. Ustaris, USPTO		Art Group:2617	
Fac	simile No.:	(571) 273-8300		Date: December 20, 2006_	
	From:	Eric T. King, Reg. No. 44,188			
Our	Docket No.:	5575P004 /K35A0807	N	umber of pages <u>13</u> including this sheet.	
Application No.: 09/872,197		Filing Date: 5/31/2001			
Encle	osed are the	following documents:		Docket Due Date(s): <u>12/31/2006  1/31/2007</u>	
	Amendment:	After Final (9_pgs)		Issue Fee Transmittal	
	Appeal Brief	(pgs)		Notice of Appeal	
	Application: _			Petition for:	
ál (l	(	pgs) w/cover & abstract)		Request for Continued Examination (RCE)	
	Assignment &	Cover Sheet (pgs)		Reply Brief ( pgs)	
	Certificate of	Facsimile		Request & Certification Under 35 USC 122(b)(2)(B)(i)	
	Continued Pr	osecution Application (CPA)		Request to Rescind Previous Nonpublication Request	
	Declaration &	POA (pgs)		Response to Notice of Missing Parts & Formalities Letter	
Ū	Drawings: _	_sheels,figures		Response to Written Opinion (pgs)	
	Extension of 7	Time:		Terminal Disclaimer	
X	Fee Transmitt	tal (in duplicate)		Transmittal of Publication Fee Due	
	IDS & PTO/SF	B/08 ( pgs)		Transmittal Letter	
	Other		······		
	······				

#### CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.

12/20/2006 Date

Confidentiality Note: The documents accompanying this facsimile transmission contain information from the law firm of Blakety, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended racipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this faxed information provide the providential or privileged in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

If you do not receive all the pages, or if there is any difficulty in receiving, please call: (714) 557-3800 and ask for Nicole Erquiaga.

•

## RECEIVED CENTRAL FAX CENTER

DEC 2 0 2006

TRANSMITTAL FORM (to be used for all correspondence after initial filing)			Application No.	09/872,197		
			Filing Date	May 31, 2001		
			First Named Inventor	L. Jeffrey Kapner, Ill		
{				2617		
			Examiner Name	Joseph G. Ustaris		
Total Number of F	Pages in This Submissio	an 12	Attorney Docket Number	K35A0807		
ENCLOSURES (check all that apply)						
Fee Transmitta	al Form	Drawing(s)		After Allowance Communication to TC		
Fee Atta	icheð	Ucensing-related Papers		Appeal Communication to Board of Appeals and Interferences		
Amendment / F	Reply	Petition		Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)		
After Fin	al s/declaration(s)	Petition to Convert a Provisional Application		Proprietary Information		
Extension of Ti	me Request	Power of Al Change of	tomey, Revocation Correspondence Address			
Express Aband	ionment Request	Terminal Disclaimer		Other Enclosure(s) (please identify below):		
Information Dis	closure Statement	Request for Refund				
PTO/SB/	08	CD, Number	r of CD(s)			
Certified Copy ( Document(s)	of Priority	Landsc	ape Table on ĈÛ			
Response to Mi incomplete App	issing Parts/ lication	Remarks				
ليجينا	c Filing Fee aration/POA		j			
Response to Missing Parts under 37 CFR						
· · ·	SIGNATURE		T, ATTORNEY, OR A	GENT		
Firm	1 Lio 1, Milly, Keg. 10. ++,100					
or Individual name BLAKELY, SOKOLO		OKOLO <u>FF,</u> 1	AYLOR & ZAFN	IAN LLP		
Signature						
Date December 20, 2006						
CERTIFICATE OF MAILING/TRANSMISSION						
I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.						
Typed or printed name Nicole Erguiaga						
Signature	$\gamma \gamma$	Call MAC	in 1	Date December 20, 2006		
ISBE ON PTO/SB/21 (09-04) as modified by Blakely, Sciokofi, Taylor & Zetiman (ndc/10/12/2008						

SEND TD: Contimesioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

TO: USPTO RECEIVED P. 3/13 CENTRAL FAX CENTER

DEC 2 0 2006

FEE TRANSMITTAL	Complete if Known				
	Application Number 09/872,197				
for FY 2006	Filing Date		May 31, 2001		
Potent fees are subject to annual revision.	First Named Inventor	L. Jeffi	L. Jeffrey Kapner, III		
Applicant claims small entity status. See 37 CFR 1.27.	Examiner Name		G. Ustaris	·	
TOTAL AMOUNT OF PAYMENT (\$) 0.00	Art Unit	2617			
TOTAL AMOUNT OF PAYMENT (\$) 0.00	Attorney Docket No.	L.K35A0	807		
METHOD OF PAYMENT (check all that apply)					
	ther (please identify)	•			
	eposit Account Name		Sokoloff, Ta	vlor & Zafman LLP	
For the above-identified deposit account, the Director is h	ereby authorized to: (	check all th	at anoly)		
Charge fee(s) indicated below	Charge fee(s	) indicated b	elow, excep	t for the filing fee	
Charge any additional fce(s) or underpayment of fce(	(s) 🔀 Credit any o			2	
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.	_ ,				
FEE CALCULATION				· · · · · · · · · · · · · · · · · · ·	
1. EXTRA CLAIM FEES				1	
Claims below Fee Paid					
Independent 24 24 0 X 50 00 \$0.00					
Casima 3 3 5 0 × 200.00 = \$0.00					
Large Entry / Struit Entry					
Feet Feet Feet Feet Feet PeetDescription					
Coole (3) Coole (3)					
1202 50 2202 25 Cleams in excess of 20 1201 200 2201 100 Independent cleams in excess of 3					
1203 360 2203 180 Multiple Dependent claim, Il not paid					
1204 750 2204 398 "Relasue independent claims over original patent 1205 300 2205 150 "Reissue claims in excess of 20 and over original pate	ant "or numbe	N Pleviously paid,	if propter, For Rei	asues. see below	
SUBTOTAL (1) (8) 0.00					
2. ADDITIONAL FEES Large Entity Small Entity					
For For For					
Code (\$) Code (\$): Fee Description		٦.	ee Paid		
1051 130 2051 65 Surcharge - Isle filing fee or oath 1052 50 2052 25 Surcharge - Isle provisional filing fee or cover sheet.					
2053 130 2053 130 Non-English specification					
1251 120 2251 60 Extension for reply within first month 1252 450 2252 228 Extension for reply within second month					
1253 1,020 2253 510 Extension for reply within third month					
1254 1.690 2254 795 Extension for reply within fourth month 1255 2,160 2255 1,080 Extension for reply within fifth month					
1401 500 2401 260 Notice of Appeal			·		
1402 500 2402 250 Filing a brief in support of an appeal 1403 1.000 2403 500 Request for oral hearing		· ·			
1451 1,510 2451 1,510 Petition to Institute a public use proceeding		[·			
1460 130 2460 130 Petitions to the Commissioner 1807 50 1807 60 Processing tee under 37 CFR 1.17(g)					
1808 180 1808 180 Submission of Information Disclosure Stmt					
1809 700 1809 305 Filing a submission after final rejection (37 CFR § 1.129(a))					
1B10 790 2810 395 For each additional invention to be examined (37 CFR § 1.129(b))					
SUBTOTAL (2) (5)					
SUBMITTED BY					
Name (Pin/Type) Frig T King	egistration No. 44,1	88	<u>Comp</u> Telephone	tete (If applicable) (714) 557-3800	
Signature 1	torney/Agent) 44;			12/20/06	
	-		Date	12/20/00	

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokolofi, Taylor & Zatmon (wir) 12/13/2004. SEND TO: Commissioner for Patients, P.O. Box 1450, Alexandria, VA 22313-1450

TO:USPTO

P.4/13

RECRIVED CENTRAL PAX CENTER

DEC 2 0 2006

FEE TRANSMITTAL	Complete if Known				
for FY 2006	Application Number 09/872,197				
	Filing Date	May 31, 2001			
Patent fees are subject to ennual revision.	First Named Inventor		ey Kapner	<u>, III</u>	
Applicant claims small entity status. See 37 CFR 1.27.	Examiner Name		G. Üstaris	·····	
TOTAL AMOUNT OF PAYMENT (\$) 0.00	Art Unit	2617		······································	
	Attorney Docket No.	<u></u>	807		
METHOD OF PAYMENT (check all that apply)	· · · · · · · · · · · · · · · · · · ·				
Check Credit card Money Order None	)ther (please identify):				
Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP					
For the above-identified deposit account, the Director is h	ercby authorized to: (cl	neck all th	at apply)		
<ul> <li>Charge fee(s) indicated below</li> <li>Charge any additional fee(s) or underpayment of fee(s)</li> </ul>			-	t for the filing fee	
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.	(5) 🕅 Credit any ove	rpayment	5		
FEE CALCULATION				······································	
1. EXTRA CLAIM FEES Edga Featron					
Claims below Fee Paid					
Independent Claima         24         24 <sup>*</sup> 0         ×         50.00         \$0.00           1         3         3*         0         ×         200.00         \$0.00					
Multiple Dependent					
Large Énilly   Small Endly					
Fee Fee Fee Fee Fee Description					
Code (5) Code (5) 1202 50 2202 25 Claims in excess of 20					
1201 200 2201 100 Independent claims in excess of 3					
1203 360 2203 180 Multiple Dependent claim, if not paid 1204 790 2204 395 "Reissue independent claims over original patent	Mart & all have	فالمراجع والمراد والمراجع	lí greater, For Rei		
1205 300 2205 150 "Reissue dalma In excess of 20 and over original pat	ent or normoler p	өндөзуран,	w graater, ror een	350E3, 599 D6KOW	
SUBTOTAL (1) (5) 0.00					
2. ADDITIONAL FEES					
Large Entliy Small Entity Fet Foz Fee Fee					
Code (\$ Code (\$) Fee Description		F	ee Paid		
1051 130 2051 85 Surcharge - late filing fee or opth		Ĺ		1	
1052 50 2052 25 Surcharge - tate provisional filing fee or cover sheet. 2053 130 2053 130 Non-English specification					
1251 120 2251 60 Extension for rophy within first month					
1252 450 2252 225 Extension for rophy within second month 1253 1,020 2253 610 Extension for reply within third month		_			
1254 1,590 2254 795 Extension for reply within fourth month		E			
1255 2,160 2255 1,080 Extension for reply within fifth month 1401 500 2401 250 Natice of Appeal					
1402 500 2402 250 Filing a brief in support of an appeal 1403 1,000 2403 500 Request for oral hearing					
1451 1,610 2451 1,510 Patition to institute a public use proceeding				l l l l l l l l l l l l l l l l l l l	
1460 130 2460 130 Petitione to the Commissioner					
1808 180 180 submission of Information Disclosure Stat					
1809 790 1809 305 Filing a submission after Intel rejection (37 CFR § 1,129(a))					
1810 790 2810 395 For each additional involtants to be examined (37 CFR § 1.129(b))					
SUBTOTAL (2) (\$)					
	gistration No. A4 19		Comp Telaphon <del>o</del>	tete (If applicable)	
Signature 7 0 (A	tomey/Agent) 44,18			(714) 557-3800	
			Date	12/20/06	

Based on PTO/38/17 (12-04) at modified by Blakely, Sokoloff, Taylor & Zetman (wir) 12/15/2004. SEND TO: Commissioner for Patenta, P.O. Box 1450, Alexandria, VA 22313-1450 Appl. No. 09/872,197 Amdt. Dated 12/20/2006 Reply to Office action of October 31, 2006 RECEIVED CENTRAL FAX CENTER

DEC 2 0 2006

Confirmation No. 1905

## RESPONSE UNDER 37 CFR § 1.116 EXPEDITED PROCEDURE EXAMINING GROUP 2623

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	09/872,197
Applicant	:	L. Jeffrey Kapner III
Filed	:	5/31/2001
TC/A.U.	:	2623
Examiner	:	Joseph G. Ustaris
Docket No.	:	K35A0807
Customer No.	:	8791

Mail Stop AF Commissioner for Patents PO Box 1450 Alexandria VA 22313-1450

### AMENDMENT UNDER 37 CFR § 1.116

Sir:

In response to the Final Office Action of October 31, 2006, please amend the aboveidentified application as follows:

Amendments to the Claims arc reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

K35A0807

Page 1 of 9

ETK/npe

PAGE 5/13 \* RCVD AT 12/20/2006 6:06:33 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-3/17 \* DNIS:2738300 \* CSID:7145573347 \* DURATION (mm-ss):04-30